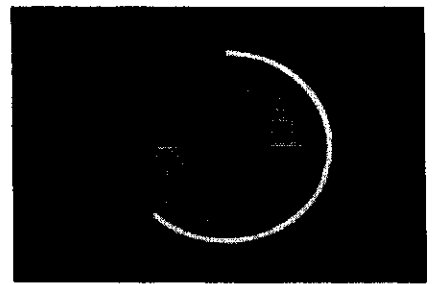
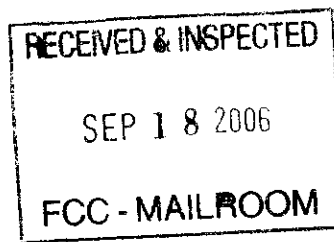


CGB-CC-0605



ITV Productions

# Exemption Petition

FCC Consumer and Governmental Affairs Unit

445 12th Street SW

Washington, DC 20554

Prepared for: FCC Consumer and Governmental Affairs Unit

Prepared by: Darran Bruce, Executive Producer/President

September 14, 2006

Proposal number: 000-0001



ITV Productions

# Objective Summary

## Objective

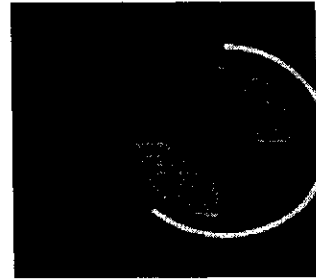
To request the Commission for an exemption from the rules where compliance with the rules will result in an undue burden (47 C.F.R. § 79.1 (f)).

## Goals

To prove to the Commission that ITV Productions, LLC, which produces the television series “I.T.V.” a.k.a. “Independent Television” qualifies for an “Exemption Status” in regards to Closed Captioning due to the process and costs associated with Closed Captioning and therefore causing an undue burden for ITV Productions, LLC.

## Solution

ITV Productions LLC would like to receive an “Exempt” status from Closed Captioning so that they may broadcast the television series I.T.V. in the markets it has been approved.



ITV Productions

### **What is "I.T.V." a.k.a. "Independent Television"?**

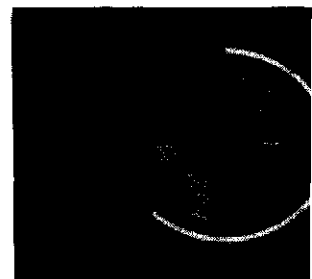
ITV is a half-hour daily television series that is airing in Western Washington on MyQ2, channel 10/22 at 1:30 A.M. on Saturday mornings, ITV is also approved to air in the Pacific Northwest on the FOX affiliates in ten cities. also available on the website [www.itvnw.com](http://www.itvnw.com). Featuring regional art, business and culture, ITV highlights the best of the Pacific Northwest with an active and energetic style. Segments in the show include live performances, behind-the-scenes reporting, and interviews with artists, designers and entrepreneurs. Shot on location throughout the Pacific Northwest, ITV will give viewers an educational and informative look at the latest news and cutting edge trends in the region.

### **Why "I.T.V." a.k.a. "Independent Television" should receive exempt status?**

Listed below are some of the factors that the Commission will consider when determining whether the requirements for closed captioning impose an undue burden.

- The nature and cost of the closed captioning for the programming
- The impact on the operation of the provider or program owner
- The financial resources of the provider or program owner, including efforts to solicit captioning assistance from the distributors of its programming and the distributors' responses (See ¶ 204 of [1997 R&Q](#).)
- The type of operations of the provider or program owner

ITV Productions LLC will provide sufficient proof to the Commission that the company and television series I.T.V. a.k.a. "Independent Television" meets the requirements to receive "Exempt" status in regards to Closed Captioning by including the requested documentation in regards to the bulleted items above.



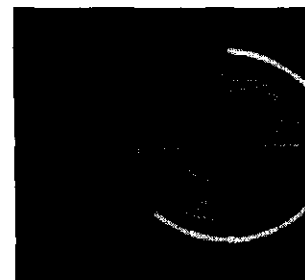
ITV Production

**Item One - The nature and cost of the closed captioning for the programming.**

The current market costs in the Western Washington area to close caption range from \$500 to \$900 (Western Video and Digital Media and Victory Studios). ITV Productions LLC currently purchases paid-programming time slots from the stations that have approved to broadcast ITV which ranges in price from \$150 to \$550 per half-hour time slot. Including the production costs (which are in-kind at the moment, i.e. every staff member works on a commission basis) that range from \$2,500 to \$5,000 per episode, ITV cannot afford to pay for the services to close caption ITV. The broadcast stations, per the broadcast agreement, do not make their captioning equipment available to companies that purchase paid-programming time on the station. The costs to purchase a captioning machine fall outside the operational budget for ITV as well ranging from \$3,600 to \$11,000. Overall the cost to close caption a 13 week season of ITV would cost between \$6,500 and \$11,700 a cost that ITV Productions LLC is incapable of covering.

**Item Two - The impact on the operation of the provider or program owner.**

The impact on the operation of the program owner ITV Productions LLC is enormous since it is a self-funded/sponsor funded operation. Started in June of 2006, ITV Productions LLC has met only 8.0%, or \$4,800, in cash contributions toward the operating costs of \$54,600 to produce the first series for the Western Washington market. Due to the high costs of television production, all of the funds that have been procured have gone toward to cost to purchase the necessary time slots leaving no funds available for captioning services. ITV Productions LLC recognizes the need for closed captioning and has included the service in the \$54,600 budget, but without securing more funding it is out of reach at the moment. The services of closed captioning would cost the same or 45% more than the time slots to air ITV and would result in the program not airing at all.



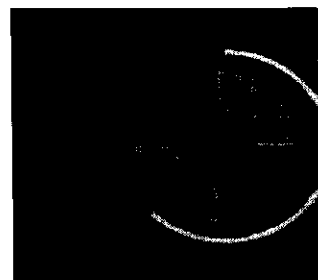
ITV Production

**Item Three - The financial resources of the provider or program owner.**

As mentioned in the above item, ITV Productions LLC has secured private sponsorship and in-kind services to assist in the broadcasting of ITV. ITV has only been existence since June of 2006 and has no yearly tax returns. What ITV Productions LLC can provide is proof of dollars received to assist in broadcasting the series ITV to show the financial restraints preventing the purchasing of closed captioning services. The document will be included as "Attachment A" following this document. ITV Productions LLC has also tracked the number of in-kind hours that have been dedicated to the production of ITV. This document will be included as "Attachment B" to show the hours and costs dedicated to the production of ITV. In short, ITV Productions LLC is already operating well below operating costs is only able to cover the broadcast portion of the seasonal budget leaving nothing for any other costs..

**Item Four - Type of operations of the provider or program owner.**

The sole purpose of ITV Productions LLC, the owner of ITV, is to produce a television series that features artists, designers and entrepreneurs. ITV is a cultural television series aimed at providing a means for artists to reach larger audiences in the local markets it serves. ITV content ranges from live music, sports, fashion, art, nightlife, restaurants, comedy, and video games. ITV Productions LLC plans to cover the entire west cost of the U.S. by mid 2008 and the entire U.S. by 2011. ITV from the inception has planned on close captioning and Spanish language in all of its programming, but due to the costs associated with the service ITV Productions is unable to provide them at this time.



ITV Productions

### Summary -

ITV Productions LLC is unable to cover the costs of closed captioning at this time. We would like to request an exemption from having to provide this service based on the following reasons,

Reason One - The cost to closed caption are to high of a cost to ITV Productions LLC at this time.

Reason Two - The financial impact toward ITV Productions LLC would be to great that it would prevent ITV from being broadcast.

Reason Three - The financial resources the ITV Productions LLC has procured do not cover the costs to pay for closed captioning.

Reason Four - The purpose of operation for ITV Productions LLC is to provide an accessible means for the arts community to reach larger audiences, enriching all local markets by highlighting local talent.

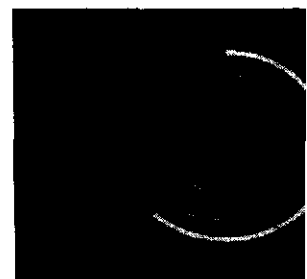
ITV Productions LLC does recognize the need for closed caption and Spanish language programming and is planning to incorporate these services when it is affordable.

ITV Productions LLC would like to request an exemption from closed captioning for the reasons stated above. We look forward to your decision and thank you for your time.

Darran Bruce

Executive Producer/President

ITV Productions LLC



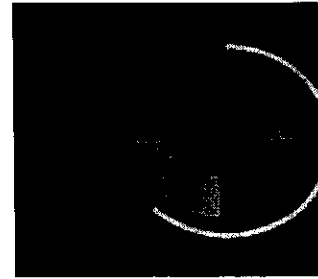
ITV Production

## Attachment "A"

### Dollars raised by private investors

Sponsor One	\$300
Sponsor Two	\$300
Sponsor Three	\$600
Sponsor Four	\$2,400
Sponsor Five	\$600
Sponsor Six	\$600
Total	\$4,800

To protect the individuals and companies from public disclosure the names have not been included. Detailed invoices can be provided to the commission, but due to the sensitive nature the names can not be included.



ITV Productions

## Attachment "B"

### Production Hours and Related Costs

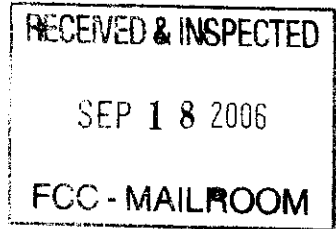
Position	Hourly Rate	Total hours	Committed Value to production
Executive Producer	\$150	100	\$15,000
Associate Producer	\$100	70	\$7,000
Talent	\$75	30	\$2,250
Lighting	\$50	25	\$1,000
Audio	\$50	25	\$1,000
Post-Production	\$100	40	\$4,000
Total		290*	\$32,500**

\*Since June 2006 \*\*In-kind production value

To protect the individuals and companies from public disclosure, the contracts have not been included. Detailed contracts can be provided to the commission, but due to the sensitive nature the names and contract terms can not be included.

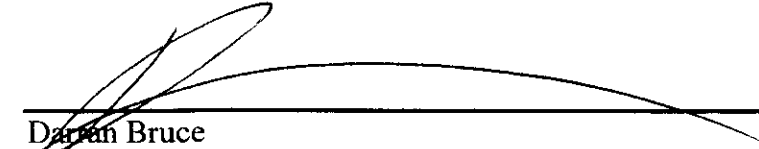
Affidavit

Petitioner: ITV Productions LLC



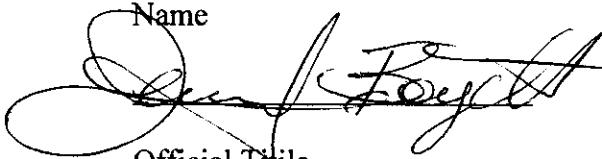
I, Darran Bruce, being duly sworn, depose and say:

1. That the attached petition is true and correct to the best of my knowledge.

  
\_\_\_\_\_  
Darran Bruce  
Executive Producer  
ITV Productions LLC

On this 15<sup>th</sup> day of SEPTEMBER 2006 before me personally appeared Darran Bruce, to me known, and known to me to be the same person described in and who executed the above instrument and acknowledged to me that he/she executed same.



Name  
  
\_\_\_\_\_  
Official Title  
Notary Public